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Granted.

SO ORDERED:

10/22/2024



HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

October 22, 2024

VIA ECF AND ELECTRONIC MAIL

Hon. Robert W. Lehrburger
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007

USDC SDNY
DOCUMENT
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Re: *Thorsten Busch v. Airbus S.A.S., et ano.*, 1:22-cv-06967-JHR

Dear Judge Lehrburger:

Defendants Airbus S.A.S. and Airbus Americas, Inc. and Plaintiff Thorsten Busch jointly submit the following request for modification of the scheduling order in this case to set a new date for the close of expert discovery.

On April 10, 2023, the Court set the close of fact discovery for June 4, 2024, and set the close of expert discovery for October 4, 2024. Dkt. 58. On April 17, 2024, the Court granted the Parties' request to modify the Court's scheduling order, setting the close of fact discovery for November 15, 2024, but the close of expert discovery has not yet been set. *See* Dkt. 91. The scheduling order requires that the parties meet and confer to agree upon expert discovery deadlines. *See* ECF 58 at 4.

Having met and conferred, the parties now respectfully and jointly request that the Court modify the scheduling order as follows:

- The deadline for initial disclosures of expert witnesses will be February 28, 2025.
- The deadline for rebuttal expert disclosures will be March 28, 2025.
- All expert discovery will be completed by April 30, 2025.



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The parties agree that the typical 45-day expert discovery period contemplated in the standardized scheduling order template, *see* Dkt. 58 at 3, is not sufficient time for expert discovery in this case. As the parties previously explained to the Court, this case is complex and highly technical, necessitating the use of numerous expert witnesses. Dkt. 55. Indeed, in a case before Judge Rearden arising out of similar allegations (and therefore implicating similar technical issues), *Kristi Vuksanovich et ano. v. Airbus Americas, Inc., et al.*, 1:21-cv-03454-JHR, expert discovery involved the designation of eighteen medical, toxicological, and engineering experts (and the deposition of the majority of the disclosed experts), and the parties expect a similar number of expert witnesses to be disclosed in this case.

Both parties appreciate the Court's consideration of this matter.

Respectfully submitted by:

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